

**TOWN OF DAVIE
REGULAR MEETING
OCTOBER 6, 2004**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:00 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Truex, Vice-Mayor Paul, Councilmembers Crowley, Hubert and Starkey. Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

3. OPEN PUBLIC MEETING

Mayor Truex advised of the rules for the Open Public Meeting.

Patty Koch, 1762 SW 103 Lane, spoke of her group's efforts to dissuade IKEA from seeking a site in Davie and thanked Council for its efforts on behalf of the community's concerns.

Douglas Bell spoke of his candidacy for the Central Broward Water Control District, Zone 3.

Kathy Tibbetts, 2730 Hiatus Road, advised that she had attended the Math Iglar Grove site meeting the previous evening and thanked Councilmember Starkey for the plans presented for the park. She apologized for her emotional reaction at the meeting with regard to the sidewalk presented on the plans for the park. Ms. Tibbetts wished Mr. Willi well and thanked Town Engineer Larry Peters and his staff for their efforts and support. She complained about conditions at the Lamar Electronics site.

Councilmember Starkey requested an update on the litigation on the site Ms. Tibbetts referred to. Mr. Kiar advised that the Town had found the property owner in violation and it was stipulated that further dumping or adding of materials on the property were prohibited. He advised that if Council wished, the Town could file an immediate injunction.

Councilmember Starkey recommended that staff visit the site to take pictures and testimony to proceed further. Vice-Mayor Paul stated that once this was verified with pictures, Council should move forward.

Barbara Tilley, 1941 SW 87 Avenue, thanked Cathy Noe and Theresa for the excellent outing they provided for Davie's seniors on September 30th. Ms. Tilley asked Council to authorize the Public Works Department to overlay Section 1 from Berkeley Drive to 16th Court between 87th Terrace to 85th Avenue, in Park City. She spoke of the dangerous conditions for seniors walking in the area, especially at night. Ms. Tilley discussed the status of litigation with the City of Sunrise and stated that the residents of the area wanted new water lines regardless of where they were located. She asked that Section 1 residents on the north end of the park be given special attention with regard to the condition of their streets. Mayor Truex requested that staff provide Council with a status update on the Sunrise water issue.

Arthur Joseph, 13700 SW 18 Court, sang a song about getting John Kerry elected. He took issue with previous statements made by Councilmember Starkey about the Sheridan House litigation issue and disagreed with her view that the lawsuit filed was "frivolous". Mr.

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Joseph spoke of previous lawsuits filed by residents against the Town, where residents had not been reimbursed. He felt that with regard to this lawsuit, when the Town was on the winning end, it was unfair that it "wanted to gouge the people."

Doris Monier, 5305 SW 48 Street, expressed her gratitude to Council for supporting the residents of Sunny Lake in preserving the site.

Pam Pelkey thanked the Town for its efforts in securing the Sunny Lake site.

Dean Alexander, 13820 SW 16 Street, spoke about the power outage in his neighborhood during Hurricane Frances, due to a large ficus tree that had fallen. He spoke of his conversations with Assistant to the Development Services Director Grace Hall and Code Compliance Supervisor Danny Stallone who had agreed to send an inspector to his property. Mr. Alexander thanked both for their assistance with removing the tree that had fallen.

Barry Mowell, 7175 Nova Drive, candidate for re-election for the Central Broward Water Control District, spoke about his platform and his past voting record. He spoke highly of Councilmember Crowley's expert work as District Manager.

Sheila Payerl spoke about water intrusion problems in the Madison Lakes subdivision. She advised that she had called the Town and spoken to Building Official Bill Hitchcock, but that no one had visited her home. Ms. Payel spoke of safety concerns for the residents as smoke detectors in the community were wired wrong and not working. She stated that she had also observed mold in some homes in the community.

Karen Stenzel-Nowicki, 5480 SW 55 Avenue, spoke of the success of the recent Davie Area Land Trust meeting at Robbins Lodge. She welcomed residents and property owners to attend meetings on Tuesdays in the Community Room and on the first Monday evening of each month as locations were available. Ms. Stenzel-Nowicki advised that she was the Steering Committee Chair for the 441 revitalization and spoke of an Urban Land Institute report which spoke of the collaborative effort between the elected officials, staff, property owners and residents to obtain the necessary road access for this project. She discussed Jolmy Enterprises' efforts to get road access to its site. Ms. Stenzel-Nowicki requested that Council quickly resolve this issue so that whoever the developer was, the 441 revitalization project would be a success.

Tom Green, 1800 SW 116 Avenue, thanked Council and staff for their efforts in debris removal after Hurricanes Frances and Jeanne. He asked that residents not be too aggressive about cutting back their tree limbs. Mr. Green voiced his support for the re-election of Mr. Mowell for the Central Broward Water Control District.

Caryl Hattan, 7790 NW 37 Avenue, thanked Councilmember Crowley for running a great race in District 2. She requested that her neighborhood south of Stirling Road be serviced out of a Davie post office. Mr. Willi indicated that previous discussions have been held with the Postmaster; however, the Town would pursue this issue again.

Mayor Truex advised that staff wished to table item 4.22 to October 20, 2004. Mr. Willi advised that staff needed additional time to correct language on the agreement. Mayor Truex asked why the request had been made, since this item had been discussed at the earlier budget workshop as a potential increase in revenue.

Parks and Recreation Director Dennis Andresky explained that he had added a clause in the contract requiring that the concessionaire would work reasonably with the Town to do a

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sponsorship arrangement for the Town's teams or leagues. Mayor Truex asked if this was a three-year contract. Mr. Andresky indicated this was a three-year agreement with a renewal for an additional three years.

Vice-Mayor Paul stated that at the budget hearing, she had asked whether this would be a one-year agreement with an option to renew, which was thought to be better as it would be less difficult to make changes. Mr. Andresky advised that the RFP had been for a three-year agreement and that it was midstream in the process to change the agreement to a one-year agreement.

Councilmember Starkey stated that this concerned her as Council had been trying to look at other options for the sports teams to have the option of raising funds. She asked if staff could amend the contract to indicate that Council only wished to have a one-year agreement. Mayor Truex indicated that the RFP was put out for three-years. Mr. Willi asked if the Town's budget was balanced with this revenue stream in mind. Assistant Town Administrator Ken Cohen indicated in the negative and added that this was an on-going issue.

Councilmember Hubert pointed out that most business people did not go into business leases for one year as they needed time to make back their money.

Councilmember Starkey suggested tabling the resolution while staff attempted to re-negotiate, while other options were considered for fund raising.

Council gave direction to staff to attempt to re-negotiate a one-year agreement. Mr. Andresky indicated that he would meet with a partner from the company on the upcoming Friday.

Vice-Mayor Paul made a motion, seconded by Councilmember Hubert, to table to October 20, 2004. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex questioned why item 6.4 was requested to be tabled. Mr. Willi advised that staff was scheduling workshops with the affected property owners. Councilmember Hubert asked that staff notify her when it conducted a workshop on this issue as it affected her district. Councilmember Starkey asked if staff could public notice this also, so that any member of Council could attend. Mr. Willi agreed.

Councilmember Hubert made a motion, seconded by Councilmember Starkey, to table to December 1, 2004. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that item 9.1 needed to be added.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

4. APPROVAL OF CONSENT AGENDA

Minutes

- 4.1. June 16, 2004 (Regular Meeting) (tabled from September 14, 2004)
- 4.2. July 7, 2004 (Regular Meeting) (tabled from September 14, 2004)
- 4.3. July 14, 2004 (Regular Meeting) (tabled from September 14, 2004)
- 4.4. July 27, 2004 (Workshop Meeting) tabled from September 14, 2004)
- 4.5. August 4, 2004 (Regular Meeting)

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- 4.6. August 16, 2004 (Workshop Meeting)
- 4.7. August 18, 2004 (Regular Meeting)
- 4.8. September 7, 2004 (Special Meeting)

Proclamation

- 4.9. Fire Prevention Week (October 3-9, 2004)

Home Occupational Licenses

- 4.10. Faux Bees, 14100 SW 33 Court
- 4.11. Haiko Interiors, 13790 SW 18 Court
- 4.12. Line Drive International, Inc., 2620 SW 106 Terrace
- 4.13. Roof Treatment, Inc., 2421 SW 127 Avenue

Resolutions

- 4.14. **EASEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING CERTAIN EASEMENTS FROM WARREN JOHN LACROIX, PROPERTY OWNER; AND PROVIDING AN EFFECTIVE DATE. (tabled from September 21, 2004)
- 4.15. **RIGHTS-OF-WAY** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING CERTAIN RIGHTS OF WAY FROM GABRIEL BUITRAGO, PROPERTY OWNER; AND PROVIDING AN EFFECTIVE DATE. (tabled from September 21, 2004)
- 4.16. **JOB CLASSIFICATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, FOR APPROVAL OF RETITLING THE POSITION OF FIRE DIVISION CHIEF TO ASSISTANT FIRE CHIEF; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.
R-2004-223
- 4.17. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION FOR A \$106,000 GRANT FROM THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) FOR THE DEVELOPMENT OF SW 58TH AVENUE PARK; AND AUTHORIZING ACCEPTANCE AND EXECUTION OF THE GRANT, IF AWARDED (WITH \$106,000 MATCHING FUNDS).
R-2004-224

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- 4.18. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-225 AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR FUNDS UNDER THE U.S. DEPARTMENT OF JUSTICE LOCAL LAW ENFORCEMENT BLOCK GRANTS PROGRAM FOR \$22,524, AUTHORIZING THE ACCEPTANCE OF SAID FUNDS, ALLOCATING THE REQUIRED MATCH FROM THE LAW ENFORCEMENT TRUST FUND, AND AUTHORIZING THE APPROPRIATE TOWN OFFICIALS AND SAID STAFF TO IMPLEMENT SAID GRANT PROGRAM. (\$2,503 local match)
- 4.19. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-226 AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH POST, BUCKLEY, SCHUH & JERNIGAN, INC. FOR MONITORING DISASTER DEBRIS COLLECTION AND DISPOSAL OPERATIONS.
- 4.20. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, G.L. HOMES OF DAVIE ASSOCIATES III, LTD. AND LONG LAKE RANCHES WEST HOMEOWNERS ASSOCIATION, INC., TO CONSENT TO THE PERPETUAL ENCROACHMENT OF IMPROVEMENTS RELATED TO SODDING AND LANDSCAPING ONTO THE HIATUS ROAD RIGHT-OF-WAY; TO GRANT THE LONG LAKE RANCHES WEST HOMEOWNERS ASSOCIATION, INC. A NON-EXCLUSIVE EASEMENT ONTO THE HIATUS ROAD RIGHT-OF-WAY FOR MAINTAINING THE IMPROVEMENTS; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 6-1-04, Long Lake Ranches Plat III, 3201 Hiatus Road)
- 4.21. **LIEN SUBORDINATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUBORDINATING THE LIEN OF THE TOWN OF DAVIE ON PROPERTY OWNED BY JOLMY ENTERPRISES, INC. WITH RESPECT TO CERTAIN MORTGAGE INDEBTEDNESS AND PROVIDING AN EFFECTIVE DATE.
- 4.22. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE SELECTION OF GAME TIME FOOD & BEVERAGE SERVICES INC. AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR CONCESSIONAIRE SERVICES AT DAVIE PINE ISLAND PARK. (projected first year revenue of \$20,400)

Temporary Use Permits

- 4.23. TU 8-1-04, St. Bonaventure Church, 1301 SW 136 Avenue (Family Festival)
- 4.24. TU 9-3-04, Davie United Methodist Church, 6500 SW 47 Street (Pumpkin Sales)

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Vice-Mayor Paul requested that items 4.9, 4.14, 4.15, 4.20, and 4.23 be removed from the Consent Agenda. Councilmember Starkey requested that items 4.19 and 4.21 be removed. Mayor Truex requested that items 4.4 and 4.5 be removed. Mr. Kiar requested that item 4.3 be removed.

Councilmember Starkey made a motion, seconded by Councilmember Vice-Mayor Paul, to approve the Consent Agenda without items 4.3, 4.4, 4.5, 4.9, 4.14, 4.15, 4.19, 4.20, 4.21, and 4.23. In a voice vote, all voted in favor. (Motion carried 5-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.9 Deputy Fire Chief Steve Eggnatz introduced new staff members of the Fire Department's management team including: Brian Nolte, James Ferranti, George Gonzalez, Frank Suriano and Julie Downey.

Councilmember Starkey made a motion, seconded by Vice-Mayor Paul, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex read the proclamation declaring October 3-9, 2004 Fire Prevention Week.

Deputy Chief Eggnatz spoke of an essay and poster contest where students had participated. Fire Chief Don DiPetrillo spoke of the tremendous outpouring and involvement of the Town's children for Fire Prevention Week.

4.3 Mr. Kiar indicated that there was a error on page 6, paragraph 4, mentioning the 60-day due diligence.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to approve subject to changing "6-day" period to "60-day" period, on page 6. In a voice vote, all voted in favor. (Motion carried 5-0)

4.4/4.5 Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to table to October 20, 2004. In a voice vote, all voted in favor. (Motion carried 5-0)

4.14/4.15 Vice-Mayor Paul did not understand why it took so long to receive this item in the backup and wanted all Councilmembers to have the opportunity to review this.

Mr. Kiar referred to two errors on item 4.14, on page 2, regarding the drainage easement. He requested that Warren J. LaCroix be changed to Warren John LaCroix and that the first name Warren be added under the notarization section.

Town Engineer Larry Peters advised that the intention was not for Council to accept these documents, as they were not fully executed. He advised that the transactions would take place if Council accepted the documents once they were executed. Mr. Peters indicated that initially, these items were to have come back before Council as a new business item. He advised that these resolutions would be brought back before Council.

Vice-Mayor Paul made a motion, seconded by Councilmember Hubert, to table to November 3, 2004 pending the execution, with the indication that Council was approving the concept and subject to the corrections indicated by Town Attorney Kiar. In a voice vote, all voted in favor. (Motion carried 5-0)

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Councilmember Crowley requested that violations regarding clearing the site be resolved prior to re-submitting the site plan to Council.

4.19 Councilmember Starkey asked Public Works/Capital Projects Director Bruce Bernard to explain why the contract was presented in this form and not as a tri-party agreement. Mr. Bernard explained that this was a piggyback agreement. Councilmember Starkey asked if Mr. Kiar had reviewed the agreement. Mr. Bernard indicated that the service was used as a stopgap when needed and stated that the bid was reimbursable by FEMA. Councilmember Starkey was concerned that the Town was not being indemnified. Mr. Bernard stated that he could take this back to be changed. Councilmember Starkey referred to the third paragraph on page 10, which indicated it was Broward County's election to terminate. Mr. Bernard stated that it was not the Town's contract to put out and reminded that the Town would only use the service if needed. Councilmember Starkey requested that language be included requesting that the Town be notified if the contract was terminated. She also requested that this language change be made to Section 8.2 to state, "County's right to terminate this agreement for convenience, and will notify the Town of Davie upon doing so."

Councilmember Starkey made a motion, seconded by Vice-Mayor Paul, to approve subject to the changes made to Section 8.2. In a voice vote, all voted in favor. (Motion carried 5-0)

4.20 Vice-Mayor Paul requested that if Council acted on this, that it be done on the condition that the problems on Hiatus Road and the access to certain homes along Hiatus Road be cleared up immediately because of the danger involved in getting in and out of some properties.

Councilmember Starkey asked Mr. Peters if he had a chance to visit the site and note the concerns. Mr. Peters indicated that the conditions had been improved. Councilmember Starkey asked Mr. Peters if he would be willing to go out to the area and try to work things out. Mr. Peters indicated that he had agreed to meet with each homeowner to discuss issues. Vice-Mayor Paul felt the conditions could not continue and felt that in her estimation it was not a safe situation.

Councilmember Starkey advised that after the meeting the previous night, she had driven along the road in the dark and found the diminished lighting to be an issue. She spoke of line of sight issues caused by construction debris. Councilmember Starkey felt it was important to put the developer on notice but she also did not want to hold up the project.

Councilmember Crowley indicated that he had attended the neighborhood meeting the previous evening and spoke of the public's concern about the lack of access to the recreation trail at Long Lake Ranches. He wanted to talk to the consultant to discuss adding another access so that residents who lived on Hiatus Road did not have to go all the way to the entrance for access.

Mayor Truex invited the public to speak.

John Ladue, 2961 SW 111 Terrace, stated that the modifications to the road were never communicated to him. He indicated that the modifications had affected the height of his fence,

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the setback from the road, and the slope on his property. Mr. Ladue spoke of a telephone pole that was too close to the curb that needed to be moved and voiced his concern that there would be no cut-throughs.

Kathy Tibbetts voiced her concern about piles of rock that were not yet cleaned up and indicated that her main concern was safety. She spoke of the distance of the sidewalk from the road and was concerned about how the driveway and the road would work. Ms. Tibbetts was concerned about the lack of communication between GL Homes and residents. Mr. Peters spoke of his efforts to resolve the problems with residents.

Councilmember Starkey asked Mr. Peters to address the grading issue that Mr. Ladue spoke of. Mr. Peters advised that there was about a one-foot difference between the elevation of Mr. Ladue's property and the top of the curb. He stated that this could possibly be a problem but that the Town was going to try to put a sidewalk in for residents to have access. Mr. Peters advised that he would be happy to meet with each resident to come to an agreement. He indicated that he had worked with the consultant to come up with five different crossings that crossed Hiatus Road, meander up the hill, cross the hill, and come back down the path on the other side. Mr. Peters stated that this had been worked out to be functional. Councilmember Starkey asked if Mr. Peters would give a copy of the plans to the residents. Mr. Peters agreed.

Vice-Mayor Paul stated that when there was only one access in and out of a person's home, the developer needed to be more cognizant and sympathetic and get the work done quickly to reduce the inconvenience to residents affected.

Councilmember Crowley asked if Mr. Peters had worked out the access to the recreational trail. Mr. Peters responded in the affirmative and advised that plans had been submitted to his office that needed to be approved. He advised that Mr. Cohen had also been working with Engineering and GL Homes to resolve these issues. Councilmember Crowley stated he wanted to see the plans before Council moved forward. Councilmember Crowley also felt that the reduced size plans were difficult to read.

Councilmember Starkey stated that she also wanted to know about modifications to plans before they were changed.

William Fennel, representing GL Homes, advised that GL Homes had been issued a permit in January 2004 yet the Engineering Department had reviewed the entire roadway project from the start again.

Councilmember Starkey stated that communication from staff on changes to plans was important. Mr. Peters stated that the new plans addressed more of the residents' issues.

Mayor Truex asked about the raised slope issues. Mr. Fennel advised that there were no curbs and gutters on the road and added that these were being added. Mayor Truex asked if residents could voluntarily put in extra fill to make a more gradual slope. Mr. Fennel advised that residents could install this on their properties. Mayor Truex asked if there was any other way that residents could not have such a hassle mowing. Mr. Fennel replied that the road had shifted slightly to the west, was raised six inches and would slope back down to meet the grade. He felt the grade was not that great but agreed it was a bit steep down toward 31st Street and indicated that the grade would be 12 inches.

Mayor Truex asked about the location of the poles. Mr. Fennel stated that GL Homes had only been asked to relocate one pole at 31st Street. Councilmember Starkey advised that

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Mr. Peters and Mr. Cohen had suggested that a crew go out to the area to mark off the poles and see where changes were suggested specific to the plans Council had.

Mayor Truex asked about cuts in the berms. Mr. Fennel indicated that he agreed with these plans which had been reflected on the landscape plans and advised that 24 x 36 drawings had been submitted.

Gladys DiGirolamo, representing GL Homes, advised that GL Homes had only been requested to bring the maintenance encroachment agreement before Council and indicated that she would bring back larger copies to show the interconnects.

Mayor Truex asked about clearing of the piles of rock. Mr. Fennel stated that the cleanup schedule had been expedited and advised that the portion of the road from 26th to 31st Street would be paved the following Monday. He advised that the contractor met with the residents daily.

Ms. Tibbetts spoke of personal inconveniences she had suffered due to the delays by the contractor.

Mr. Ladue disagreed with the grading amount of 12 inches that Mr. Fennel referred to and advised that he had measured it as 18 inches to 27 inches.

Mayor Truex asked Mr. Peters how the Town could ensure that the one-inch measurement would actually be installed as one inch. Mr. Peters stated that if one inch was stated on the plans, this would be adhered to. Mr. Fennel agreed that nothing steeper than this would be installed.

Councilmember Starkey stated that she wanted this item approved, but felt that Council, staff, GL Homes and the contractor needed to visit the site to get a handle on these issues and to come to a letter of understanding. She wanted to see this resolved within one week if possible.

Development Services Director Mark Kutney explained that normally, this was an administrative approval via Engineering, but felt that in light of the problems that had surfaced, it would be prudent to have Council's review.

Councilmember Crowley asked Mr. Fennel if tabling this item would slow down the project on the northbound lane. Mr. Fennel stated that it would not. Councilmember Crowley stated he would not be in favor of approving this item without seeing the plans.

Vice-Mayor Paul agreed and stated that the reason she pulled this item was because of the concerns of residents along the east side of Hiatus Road. She felt that bringing the plans back to Council, along with the letter of understanding indicating that definite improvements had been made, should all come forward with the new plans.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to table to October 20, 2004, subject to bringing it back with the changes and to have a report and photos if necessary showing the improvements that had been made to the safety and access to properties along Hiatus Road. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Crowley asked Mr. Fennel if he could have a member of his staff coordinate the meeting with residents instead of GL Homes' contractor. Mr. Fennel indicated that so far, he had been involved with meeting residents.

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4.21 Councilmember Starkey was concerned about the subordination and stated that she was uncomfortable with this. Mayor Truex requested that staff walk Council through this item.

Mr. Willi stated that a request had been made by Jolmy Enterprises to properly record in the public record some options for additional mortgage indebtedness that had incurred on the Town previously. He advised that the current process would update the Town's paperwork showing the property amount of indebtedness to each mortgage holder for the property itself. Mr. Willi indicated that the mortgage amount had increased and advised that the Town was increasing the lien subordination amount accordingly. He stated that the total amount was being increased from \$106,000 to \$357,000.

Budget and Finance Director William Underwood explained that the subordination did not change anything that was already not supported.

Councilmember Starkey wanted to table this item so Council could receive further information. Mr. Willi advised that the applicant had stated that there was a time consideration as Jolmy was trying to move the project forward.

Mayor Truex felt it was unwise for the Town to further subordinate this lien, as the Town would be further in the hole dollar-wise. He added that the Town was giving something up and not receiving anything in return. Mayor Truex stated that he did not know why the Town was being asked to unilaterally to give up valuable rights for no consideration by the other parties.

Councilmember Hubert asked since the Town did not actually receive the grant money it was awarded, how did it pay Bergeron to build the road. Mayor Truex explained that the Town had paid the money up front but was to be reimbursed. He added that the Town had received the grant award, but with the condition that vertical construction be done.

Mr. Willi stated that the Town spent \$1.3 million to improvements within the area, none of which directly connected to Jolmy's property. He feared that inaction on the part of Council might force Jolmy's hand to file litigation against the Town that would not be justified in court. Mr. Willi advised that the Town's OTTED contemplated the lien amount of up to \$2 million and stated that there was no value of \$2 million added to the property. Mayor Truex pointed out that the lien had been negotiated in the paperwork. Mr. Willi felt the Town had not been justified in placing the \$2 million lien on the property as the \$2 million had been arbitrarily used by the Town to file the paperwork. Mayor Truex felt that Jolmy had benefited from improvements made by the Town.

Councilmember Hubert felt this was not fair as Jolmy had not been given a road, while everybody else benefited from the improvements. Mayor Truex stated that the Town was not required to give Jolmy a road. Vice-Mayor Paul agreed that the \$2 million lien was not fair. Mayor Truex felt it was fair because Jolmy needed it to do their project and had agreed to this. Councilmember Starkey stated that there was also access to drainage so they could access the site and the road improvements that benefited the project's ingress and egress, allowing them to move the project forward. She stated that once this was done, they still had not come forward with any site plans. Councilmember Hubert pointed out that Jolmy had to build their own road from the back entrance.

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Councilmember Starkey was concerned that subordination of the lien benefited only Jolmy. Mayor Truex agreed.

Mr. Kiar stated that he could not give an opinion on whether denial of this resolution would result in litigation as special counsel Michael Burke had been handling this issue. He advised that he had spoken with Mr. Burke who had not been called upon to review this item at the current meeting.

Vice-Mayor Paul felt that Council had dragged this issue on and on and that all parties had been given the same opportunities to ask questions all along. She stated that the benefit to the Town was tax base and felt the project needed to overcome certain hurdles so they could move forward. Vice-Mayor Paul felt that the Town continually held up the project and that at this particular point, Council needed to move forward to get the project completed. She stated that if the bottom line was that the Town did not want the travel center at this location, then it should simply express this, but to have a party working on a project for as many years as this project, was beyond reason, in her opinion. Vice-Mayor Paul wanted to give Jolmy an opportunity to go forward as the long run benefit to the Town was a site that it could draw tax money from.

Mayor Truex pointed out that the lien had been subordinated several times in the past and he did not have any confidence that this step would move Jolmy any closer to vertical construction that would improve the tax base. He felt that he had no indication that they were building a truck stop there at this point. Vice-Mayor Paul disagreed and felt the Town had put many obstacles before Jolmy.

Mayor Truex asked if Mr. Burke had any opinion about the subordination. Mr. Willi indicated that Mr. Burke was not asked to review this.

Mr. Cohen stated that while the Town had a \$2 million lien, it really did not add the value of \$2 million. He felt that if the Town were to go to court, the Town could get the lien amount significantly reduced. Mr. Cohen did not feel that approving this would have a significantly adverse effect on the Town, but rather could avoid a lawsuit that could end up reducing the amount of the lien.

Councilmember Starkey felt more information and a legal opinion about the Town's standing on this was necessary.

Councilmember Crowley felt Mayor Truex' concerns were valid and indicated that he had no objection to tabling this item until Mr. Burke could speak on this.

Councilmember Crowley made a motion, seconded by Mayor Truex, to table to October 20, 2004. In a voice vote, with Councilmember Hubert and Vice-Mayor Paul dissenting, all voted in favor. (Motion carried 3-2)

4.23 Vice-Mayor Paul spoke of concerns she had with parking and asked that the Church ask its patrons to park inside the high school parking lot and not on 14th Street. She was concerned about people parking on areas that the Town had recently re-sodded. Vice-Mayor Paul requested that both sides of 14th Street be taped off with "no parking" signs at the area where the sidewalk and trail would be obstructed. She also requested that parking be limited on 136th Avenue especially south of the main driveway where the roundabout and

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continuous right-hand turn lane were located. She asked that police officers urge people to go into the parking lot at Western High School using both entrances.

Mr. Kutney asked Vice-Mayor Paul how she wanted these changes reflected in the language. Vice-Mayor Paul requested that language in the permit state that "people who wanted to park on 136th Avenue would be encouraged by whoever was directing traffic to go into the high school parking lot, and that certain areas on 136th Avenue and 14th Street would be taped off as no parking areas."

Islande Dylan, Special Event Coordinator of St. Bonaventure Church, announced that the dates of the carnival would be November 11th - 14th.

Vice-Mayor Paul made a motion, seconded by Mayor Truex, to approve with the additions requested. In a voice vote, all voted in favor. (Motion carried 5-0)

6. PUBLIC HEARING

Ordinance - Second and Final Reading

- 6.1. **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE,**
2004-31 **FLORIDA ADOPTING RULES AND REGULATIONS TO FOSTER CITIZEN PARTICIPATION IN THE PROCESSING OF DEVELOPMENT APPLICATIONS WITHIN THE TOWN; AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, BY CREATING DIVISION 7, ENTITLED "PUBLIC PARTICIPATION"; PROVIDING FOR GUIDELINES AND REQUIREMENTS FOR THE CITIZEN PARTICIPATION PLAN AND REPORT; AMENDING SECTION 12-302 ENTITLED "APPLICATIONS"; PROVIDING FOR THE PUBLIC PARTICIPATION PLAN AS A REQUIREMENT OF THE LAND USE PLAN APPLICATION; AMENDING SECTION 12-306 ENTITLED "PROCESSING"; PROVIDING FOR THE PUBLIC PARTICIPATION PLAN AS A REQUIREMENT OF REZONING AND SPECIAL PERMIT APPLICATIONS; AMENDING SECTION 12-372 ENTITLED "SITE PLAN SUBMISSION REQUIREMENTS"; PROVIDING FOR THE PUBLIC PARTICIPATION PLAN AS A REQUIREMENT OF THE SITE PLAN APPLICATION; AMENDING ARTICLE 12-379, ENTITLED "MASTER PLANNED DEVELOPMENT SUBMISSION REQUIREMENTS"; PROVIDING FOR THE PUBLIC PARTICIPATION PLAN AS A REQUIREMENT OF THE MASTER PLANNED DEVELOPMENT; AMENDING SECTION 12-503 ENTITLED "DEFINITIONS"; PROVIDING FOR DEFINITIONS UTILIZED IN THE PUBLIC PARTICIPATION PROCESS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from September 14, 2004) {Approved on First Reading September 7, 2004 - all voted in favor}**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Starkey made a motion, seconded by Councilmember Hubert, to approve. In a roll vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - out of

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room; Councilmember Hubert - yes; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 4-0)

Ordinance - First Reading (Second and Final Reading to be held October 20, 2004)

- 6.2. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 12, CODE OF ORDINANCES, ENTITLED "LAND DEVELOPMENT CODE", BY AMENDING ARTICLE XII THEREOF, ENTITLED "SUBDIVISION AND SITE PLANS", BY AMENDING DIVISION 3 THEREOF ENTITLED "SITE PLAN REQUIREMENTS AND PROCEDURES", BY CREATING SECTION 12-381 BY INTRODUCING STORMWATER POLLUTION PREVENTION REQUIREMENTS, WHICH ARE MANDATED BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR VARIOUS CONSTRUCTION ACTIVITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title. Mayor Truex advised there would be a public hearing on the ordinance at the October 20, 2004 meeting.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Crowley voiced his support for this item but expressed concern that the fines for the violations were not high enough and asked if the Town could raise this figure. Mr. Peters responded in the affirmative.

Councilmember Starkey was concerned about the Florida Department of Transportation's (FDOT) pollution in the C-11 canal and asked if these penalties could be applied to FDOT so they would be held accountable for polluting the C-11 basin. Mr. Peters advised that FDOT projects were reviewed by the Town.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve subject to raising the violation penalties to \$500 for the first day, and \$250 for each day thereafter. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Ordinance - First Reading/Quasi Judicial Item (Second and Final Reading to be held October 20, 2004)

- 6.3. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 5-2-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO B-2, COMMUNITY BUSINESS DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 5-2-04, Toral/Lloyd, 4760 & 4820 SW 64 Avenue)
Planning and Zoning Board recommended approval

Town Clerk Muniz read the ordinance by title.

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Mayor Truex announced there would be a public hearing on this ordinance at the October 20, 2004 meeting.

Mr. Kiar read the rules of evidence and swore in the witnesses. Planning and Zoning Manager Fernando Leiva summarized the planning report.

Mayor Truex asked why the applicant was not seeking a B-1 designation. Mr. Leiva explained that it was because this was incompatible with the existing B-2 zoning to the east and south. He advised that the minimum size for B-2 was 52,500 square feet, which the applicant was exceeding. Mayor Truex stated that even though the map indicated B-2 all the way around, it appeared that some uses might be too intense.

Councilmember Starkey asked if at this point, Council could restrict to certain kinds of uses by implementing other restrictions. Vice-Mayor Paul responded in the negative. Mr. Kutney indicated that based on the Town Attorney's counsel, restricting uses in a certain category would have to be voluntary by the applicant.

Linda Whitman, representing the applicant, indicated that she was not at liberty to restrict any possible uses on the site. She advised that she would take the Council's comments back to her client.

Vice-Mayor Paul pointed out that she had learned at the recent land trust meeting that the Town had an institute that had been growing organic vegetables and products on properties of one acre or less to be sold to various cultural markets.

Mr. Kiar asked Ms. Whitman if the applicant would agree to a less intense zoning district such as B-1. Ms. Whitman indicated she could not agree at this point and did not think the applicant wished to use anything less than B-2.

Mr. Leiva advised that an office building was permitted under both B-1 and B-2. Vice-Mayor Paul asked about the size difference between B-1 and B-2. Mr. Kutney stated that B-1 and B-2 zoning both allowed for 40,000 square feet of office building space.

Councilmember Crowley indicated that he had been working very closely with the downtown Davie project and the Community Redevelopment Agency and was trying to acquire easements from the vacant parcel to the east of the parcel being discussed. He requested that a drainage easement be required during the plat process for the downtown Davie project. Mr. Leiva agreed to this request.

Ms. Whitman stated that the plat restricted use to 12,000 square feet of office building.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, Mr. Kiar closed the public hearing and turned this portion of the meeting over to Council.

Councilmember Hubert made a motion, seconded by Councilmember Crowley, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0)

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Item to be tabled

6.4. STAFF REQUESTING A TABLING TO DECEMBER 1, 2004

REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, REZONING CERTAIN REAL PROPERTY IN THE TOWN OF DAVIE AS SHOWN IN THE ATTACHED MAP FROM THE FOLLOWING ZONING DISTRICTS: HACIENDA VILLAGE (M-1, M-2, M-3, M-4, C-1, B-3, RM-5), BROWARD COUNTY (M-1, M-3, M-4, A-1, A-5, B-3), AND TOWN OF DAVIE (OLD CODE - RC-3, RC-8) TO VALID TOWN OF DAVIE ZONING DISTRICTS (B-3, M-1, M-2, M-3, RM-5, RM-8, RS, T) IN ACCORDANCE WITH TOWN OF DAVIE ORDINANCE NO. 2003-21; ADOPTING THE OFFICIAL ZONING MAP FOR ZONING CONFORMANCE AREA 1 MORE SPECIFICALLY DEFINED AS EAST OF FLORIDA'S TURNPIKE, NORTH OF ORANGE DRIVE TO THE NORTHERN AND EASTERN LIMITS OF THE TOWN AND ZONING CONFORMANCE AREA 2 MORE SPECIFICALLY DEFINED AS EAST OF UNIVERSITY DRIVE, SOUTH OF GRIFFIN ROAD, WEST OF 76 AVENUE AND NORTH OF STIRLING ROAD; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from August 18, 2004)

This item was tabled earlier in the meeting.

7. APPOINTMENTS

Councilmember Hubert advised that Andre Park had resigned from the Airport Advisory Board and appointed Martin Kiar.

- 7.1. Agricultural Advisory Board (one exclusive appointment - Councilmember Starkey; term expires April 2006) (insofar as possible, members shall have experience in agricultural matters, related occupations or other similar skills)

No appointment was made.

- 7.2. Child Safety Board (Councilmember Crowley and Starkey and Mayor Truex; terms expire April 2006) (whenever possible, members shall have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointments were made.

- 7.3. Open Space Advisory Committee Agency (one exclusive appointment - Mayor Truex; term expires April 2006)

No appointment was made.

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- 7.4. School Advisory Board (one exclusive appointment - Mayor Truex; term expires April 2006) (insofar as possible, members are to have experience in educational matters)

No appointment was made.

- 7.5. Senior Citizen Advisory Committee (one exclusive appointment - Councilmembers Crowley and Mayor Truex; two exclusive appointments - Councilmember Hubert; terms expire April 2006) (members shall be a minimum 60 years of age)

No appointments were made.

- 7.6. National League of Cities - Annual Congress of Cities (non-exclusive appointment of a Voting Delegate and a Voting Alternate(s))

Mayor Truex stated that Council needed to discuss attendance at the National League of Cities annual seminar. Councilmember Starkey stated that she could attend if necessary.

Mayor Truex made a motion, seconded by Vice-Mayor Paul, to appoint Councilmember Starkey as the voting delegate. In a voice vote, all voted in favor. (Motion carried 5-0)

Council appointed Councilmember Crowley as the voting alternate.

8. OLD BUSINESS

Mayor Truex stated that he thought the process for a national search for a permanent Town Administrator would be an item on this agenda. Vice-Mayor Paul felt that Interim Town Administrator Chris Kovanes should be given an opportunity to begin working and get caught up. She stated the Town had a lot of talent and she was not in favor of a national search.

Councilmember Starkey agreed with Councilmember Crowley's suggestion to search for candidates statewide. She referred to the ICMA paperwork and felt it laid out a very good process to search for a Town Administrator. Councilmember Starkey felt a fair process could be achieved by working with Mr. Kovanes, Mr. Alan and Mr. Cohen.

Councilmember Crowley recommended that Mr. Kovanes meet with Mr. Kiar and a Councilmember to prepare a contract for the position prior to the next Council meeting. Councilmember Crowley indicated he was willing to volunteer for this function.

Councilmember Hubert agreed with Vice-Mayor Paul and felt that there was no need to spend money on a national search as the Town already had very talented professionals.

Mayor Truex stated that he viewed the Interim Town Administrator position differently. He felt the other Council members looked at the position as a trial period, while he felt the Interim Town Administrator was an individual "holding down the fort" until Council found a permanent Town Administrator. Mayor Truex indicated that what encouraged him to consider opening up the search was Mr. Alan's anticipation of the diverse pool of applicants that would be drawn in. Mayor Truex felt the Town might sell itself short by not opening up the search. He stated that nothing could be gained by waiting and wanted the Town to start the process immediately. Mayor Truex added that if Mr. Kovanes proved more qualified than all the applicants over time, then he would likely have the permanent position anyway.

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Human Resources Director Mark Alan advised that he wanted to bring back additional recruitment options before Council. Councilmember Starkey advised that she was not in favor of headhunters and asked that Mr. Alan not consider them if they started approaching him.

Mr. Alan felt that it would be unwise to have Mr. Kovanes or possible in-house candidates involved in the development of the recruitment process. He felt he could speak with Council further on this by the next Council meeting. Vice-Mayor Paul disagreed with the statement by Mr. Alan and felt that Mr. Kovanes was in a position to be part of the recruitment process. She added that Mr. Kovanes should not be surprised by any part of the process. Mr. Alan stated that everyone would have access to any information he would bring forward to Council but felt that information that was not necessarily public should not be available to candidates who might be considered in the selection process.

Mayor Truex advised that he supported Mr. Kovanes 100% and felt Council should give him the benefit of the doubt and see how he progressed.

Mr. Alan voiced his concerns about using only staff to make a selection and felt that subjective decisions should be moved further away from staff. Councilmember Starkey stated that she wanted all options to be explored. Vice-Mayor Paul requested that the cost factors be presented by whichever entity was involved in the process.

Councilmember Crowley stated that he and Mr. Kovanes would meet with Mr. Kiar to bring back his contract before Council at the next meeting. Council agreed.

9. NEW BUSINESS

Vice-Mayor Paul referred to a chart which would be the basis for a resolution she wished to bring forward at the next Council meeting regarding the long-range transportation lane. She advised that the first reading on this plan would be held on November 18, 2004, and stated that no decisions needed to be made that evening beyond what would be included in the resolution.

Vice-Mayor Paul referred to item 24 which expanded the northern part of the roadway on Davie Road from Nova Drive north to I-595. She wanted Council to recommend utilizing the turn lane, since acquisition of the right-of-way would impact businesses along Davie Road. Vice-Mayor Paul pointed out that this was 24th in priority for the long-range 2030 plan and added that none of these recommendations were funded yet.

Councilmember Starkey stated that she would not want the Town to not secure funding for this, as amendments could always be made in the future. She spoke of anticipated future traffic in the area and the possibility of using those lanes as bus lanes. Councilmember Starkey advised that she did not want to eliminate or specify this until Council saw what plans would come before them in the future.

Vice-Mayor Paul was concerned because businesses along the road would be impacted if land on either side was acquired for rights-of-way,. She advised that the MPO had taken the position not to add more lanes but to move people into mass transit.

Councilmember Hubert asked if the Town could say no to the additional lanes, as it was very dangerous to cross the road under existing conditions. Vice-Mayor Paul responded in the affirmative.

Vice-Mayor Paul asked Council if it wanted to make a recommendation to limit it because of the right-of-way, eliminate it, or keep it as it was. Councilmember Starkey and

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Mayor Truex stated that they both liked Vice-Mayor Paul's suggestion of the right-of-way as the existing turn lane. Councilmember Hubert said to leave it alone. Vice-Mayor Paul felt that if Council utilized the middle lane now, as opposed to taking more right-of-way, it would not be much wider than it currently was. Councilmember Hubert spoke of the many accidents in the middle lane.

Vice-Mayor Paul stated that she would request that a resolution be drawn up indicating "yes, we like this idea and want you to move forward; or no, we don't like it and want you to remove it; or, we don't like it, we'd like to make a recommendation that this alternate be used." She referred to item 61 regarding the widening of Nova Drive from Pine Island Road to Davie Road. Councilmember Starkey spoke of an enormous amount of traffic problems where people were cutting down 30th Street. She felt widening would alleviate this problem. Mayor Truex stated that based on all the homeowners' association meetings he had attended in the area, he was under the impression that residents in the area did not want the roads widened. Councilmember Crowley stated that residents wanted improvements but were not in favor of more lanes. He wanted to see what the improvements would be. Vice-Mayor Paul pointed out that this had to be decided on soon, because federal dollars were involved and reminded Council that decisions could be amended every two years.

Vice-Mayor Paul referred to item 85 regarding widening from two to four lanes from Bonaventure Boulevard to SW 154 Avenue. She stated that she wanted to recommend that the widening be allowed to Weston Road. Vice-Mayor Paul felt that building more lanes encouraged more traffic and recommended that item number 85 be changed to read Weston Road instead of SW 154 Avenue. Mayor Truex agreed.

Vice-Mayor Paul referred to items 106 and 107 and pointed out that Council had taken action on this through a development on Flamingo Road to eliminate SW 14th Street from 130th to Flamingo Road. She stated that the MPO wanted to go from two to four lanes from Weston Road to 130th Avenue on 14th Street. Vice-Mayor Paul indicated that not much road could be taken from the canal side, which meant it would have to be taken from the residents' side. She stated that the residents on 14th Street had only expressed an interest in having a courtesy lane separated from 14th Street so they could get in and out of their homes before merging onto the main roadway. Vice-Mayor Paul asked Council's recommendation to eliminate items 106 and 107. Council agreed.

Councilmember Starkey requested that Council discuss item 75 regarding widening Pine Island Road from Nova Drive to Stirling Road from four lanes to six lanes. Vice-Mayor Paul felt that this might not be necessary with no further developments on Pine Island Road. Councilmember Starkey stated that she wanted to keep more traffic off Pine Island Road and put it on University Drive or Flamingo Road. Council requested that items 106 and 107 be eliminated.

Vice-Mayor Paul referred to items 44 and 45 regarding reversible lanes for I-595 and I-75. She stated that she wanted to include the reminder that any changes on those roadways provide for a sound wall. Vice-Mayor Paul stated that she also wanted the resolution to reflect that most communities did not want to eight-lane 441, but rather wanted four plus two, with two lanes being used for mass transit. Council agreed.

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Councilmember Hubert advised that she wanted to give Mr. Willi his Town-owned pickup truck, as he was not being discharged but was leaving the position of his own accord. Council did not support this suggestion. Councilmember Crowley felt it was not the Council's truck to give up.

10. MAYOR/COUNCILMEMBER'S COMMENTS

MAYOR TRUEX

STORM RELATED ITEMS. Mayor Truex asked if the Town could do anything to require residents to trim trees that were hazardous to power lines. He asked if staff could research what other municipalities were doing to enforce the trimming of hazardous trees. He requested that staff look into information on the options for putting power lines underground.

PETS. Mayor Truex asked if the Town should do anything to set a maximum number of dogs/cats, a resident could have. He requested that staff look into what other municipalities were doing in this regard.

RESOLUTION. Mayor Truex asked if Council could write a resolution in opposition to the actions of Cooper City in the United Ranches area. Mr. Kiar stated that one requirement under the Chapter 171 proceeding was that they needed to request a hearing before the Broward Legislative Delegation. He advised that it had been suggested that if Cooper City did this, Council should consider filing a formal memorandum of objection to the annexation with the delegation. Mayor Truex stated he would be interested in attending the public hearing as he felt Cooper City's action was not right. Mr. Kiar asked that Council remind the delegation of the moratorium that was in effect.

Councilmember Starkey felt that this issue was "cherry picking again in an area that she believed was quite the intent of Senator Wasserman-Schultz, to put a moratorium and let everybody work out these issues." Councilmember Starkey believed that United Ranches should be allowed to move forward and choose in the next upcoming election. She felt Council could take the strong road and file a suit or take a softer approach, saying that "they were cherry picking" and "maybe Council should enforce the moratorium versus litigating again." Councilmember Starkey wanted to find out if Council could have a new survey done. Mr. Kiar advised that he would speak with each Councilmember individually.

Vice-Mayor Paul suggested that Council have a resolution for the next meeting; however, if the public hearing took place before the next Council meeting, not only would Council attend, but Council should direct the Town Administrator to write a letter making Council's statement as it would not have time to act on the resolution.

INSPECTORS. Mayor Truex asked that staff brief him on the duty of the Town's inspectors when private properties were damaged, as he was unclear exactly where the Town's responsibility started and ended.

MR. WILLI. Mayor Truex commended Mr. Willi for a job well done.

COUNCILMEMBER HUBERT

PARKS GUIDE. Councilmember Hubert thanked Public Information Specialist Braulio Rosa for the new Davie Parks guide.

MR. WILLI. Councilmember Hubert commended Mr. Willi for his efforts.

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COUNCILMEMBER CROWLEY.

MADISON LAKES. Councilmember Crowley asked Mr. Kiar if the Town should be involved in the dispute between the developers of Madison Lakes and the residents over the construction deficiencies and the notice of claim the residents had filed. Mr. Kiar read Florida State Chapter 558 regarding requirements for filing legal action for construction defects. Mr. Willi stated that this was a civil dispute between the developer and the residents. He advised that the challenge for Town inspectors was that they could not inspect for workmanship, but could inspect only for adherence to the approved set of plans. He stated that it was not the position of the Town to mediate in this issue. Mr. Kiar added that he did not see any liability on the part of the Town's officials.

EVERGLADES WORK GROUP. Councilmember Crowley announced that the Everglades Work Group would meet on October 8th at 8:30 p.m. at the city of Weston Community Center.

COUNCILMEMBER STARKEY

MEETING. Councilmember Starkey announced that the next management meeting for the Broward League of Cities would be held October 11th at the Hallandale Beach City Hall.

BROWARD DAYS. Councilmember Starkey spoke of the Broward Days kickoff meeting on October 11th at the Riverside Hotel and requested that the Town participate in this event as it had in the past.

VICE-MAYOR PAUL

PLAY. Vice-Mayor Paul announced that tickets were on sale for the Actors Community Theater play, *I Hate Hamlet*.

BIRTHDAY. Vice-Mayor Paul wished Executive Assistant Candice Ordway a happy birthday.

GRANDE OAKS. Vice-Mayor Paul asked for a report on the final mitigation plan for the oak trees as each house would be built individually.

DAVIE LAND TRUST. Vice-Mayor Paul was proud of the tremendous efforts of the Davie Area Land Trust.

TREE GIVEAWAY. Vice-Mayor Paul reminded that there would be a tree giveaway on November 6th at Robbins Lodge as part of the Replant Broward effort.

JOY YODER PARK. Vice-Mayor Paul spoke of the recent dedication of the Joy Yoder Park and commended the Open Space Advisory Committee for its recommendation to name the Joy Yoder Park.

POLICE AND FIRE. Vice-Mayor Paul thanked the Davie Police and Fire Departments for their efforts over the "white powder" incident.

MR. WILLI. Vice-Mayor Paul thanked Mr. Willi for his support over the years and wished him good luck.

11. TOWN ADMINISTRATOR'S COMMENTS

THANKS. Mr. Willi thanked Council for allowing him to serve the Town over the years. He also thanked staff for their commitment and dedication in their tremendous teamwork efforts alongside him over the years.

SUNRISE WATER. Mayor Truex asked Mr. Willi if Representative Davis was re-filing the bill on the Sunrise water issue. Mr. Willi indicated in the affirmative.

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12. TOWN ATTORNEY’S COMMENTS

SETTLEMENT. Mr. Kiar sought direction from Council regarding a mediation set for October 14th in relation to the special road assessment. He requested Council’s authorization to enter into settlement negotiations to bring about a settlement, subject to final approval and consent of Council. Council agreed.

MR. WILLI. Mr. Kiar wished Mr. Willi success and happiness in Monroe County.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 11:17 p.m.

Approved_____

Mayor/Councilmember

Town Clerk

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